

**REMARKS:**

Claims 1-24 and 55-66 are pending in this application. Claims 1, 55 and 64 are amended herein.

Claim 55-63 were rejected under 35 USC section 112, second paragraph due to lack of antecedent basis in claim 55 for "the element from groups 3A to 6A of the periodic table". Claim 55 is amended herein in order to overcome this rejection. Reconsideration and withdrawal of this rejection is respectfully requested.

In the Office Action, the indication of allowable subject matter from the prior Office Action was withdrawn. Instead, claims 1-24 and 55-66 were rejected under 35 USC section 103(a) as being unpatentable over Linder et al. ("Termary Ta-Si-N Films for Sensors and Actuators") in view of Oyama et al. (US 5,444,173). This new rejection of the claim is traversed. As recognized in the Office Action, the Linder reference does not disclose the features of the independent claims (Linder discloses an early transition metal for a MEMS device - e.g. Ta-Si-N - but not a late transition metal. The Examiner relies on the Oyama et al. reference for showing an equivalency between early and late transition metals. It is submitted that this is in error. First, Oyama does not ever state, implicitly or explicitly, that early transition metals are the same as late transition metals. Oyama states that two metals are desired for the purposes therein - one metal is either molybdenum or tungsten, and the second is either tungsten or molybdenum, respectively, or vanadium, niobium, chromium, manganese, cobalt or nickel. At most Oyama teaches that for their purposes, two late transition metals (cobalt and nickel) could be used in place of the other listed early transition metals. Certainly Oyama does not state that all early and late transition metals are interchangeable. Second, and more importantly, even if Oyama et al. had made such a clear broad-brush statement, it would be irrelevant to the present invention. The Oyama et al. invention is various compounds for catalytic purposes. More particularly, as stated at column 3, lines 29-35, "It is envisioned that the catalysts described herein can be employed in hydrotreating processes in which a hydrocarbon feedstock is treated at elevated temperature (e.t. 350 C - 400C) and under pressure (e.g., up to about 1000 psig). They can also be used in a hydroisomerization process under similar conditions with a hydrocarbon feedstock." Even if Oyama stated outright that all the transition metals work equally well for catalytic treatment of hydrocarbons, that would not provide motivation for use (or equivalency) in flexible parts of a micromechanical device. But Oyama does not even state such equivalency, merely showing that

a handful of transition metals will work for the catalytic purposes in mind - two of which are late transition metals.

It is submitted that Oyama et al simply can not provide a motivation for modifying the Linder Ta-Si-N micromechanical device material in order to result in applicant's invention. The claims of the present application are directed to micromechanical devices. In the event that the Examiner was reading the claims more broadly than intended, each of the independent claims is amended to make clear that the micromechanical device is one that is capable of movement due to a flexible portion. The claimed devices (sometimes referred to as microelectromechanical devices) are essentially microscopic mechanical devices that move - e.g. in the example given prominence in the specification - movable micromirrors for modulating a light beam. The claimed materials provide desired mechanical and/or electrical conductivity properties for such devices. A primary use of arrays of micromirrors is for projection displays such as board room projectors and projection television. Other widely used microelectromechanical elements are microaccelerometers used, for example, in airbag sensors. Other examples are given in the specification. It is submitted that the fact that there are a number of transition metals, some early, some late - that can be used as catalysts for treating hydrocarbons, does not render obvious the present invention - relating to micromechanical devices capable of movement due to a flexible portion - whether taken alone or in combination with the Linder reference. Reconsideration and withdrawal of this rejection of the claims is respectfully requested

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Respectfully submitted,



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